



Agenda Date: 3/15/00

Agenda Item: 7C

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE ALLEGED FAILURES)
OF CABLEVISION OF OAKLAND TO CONFORM)
TO N.J.A.C. 14:18-6.6(A) REPORTING AND)
RECORDS OF INTERRUPTIONS AND OUTAGES)

ORDER ACCEPTING OFFER OF SETTLEMENT

DOCKET NO. CS00010010

(SERVICE LIST ATTACHED)

BY THE BOARD:

Cablevision of Oakland (Cablevision), a multiple system operator with its principle offices located at 40 Potash Road, Oakland, New Jersey, is a franchised cable television operator which provided cable services to approximately 214,630 New Jersey subscribers in 53 Communities throughout Bergen, Essex, Morris and Passaic counties. As a result of an investigation, the Board's Office of Cable Television Inspection and Enforcement Bureau ("Office") alleged that Cablevision was not conforming to certain provision of N.J.A.C. 14:18-6.6(a) regarding Reporting and Records of Interruptions and Outages.

As a result of correspondence and telephone conversations between Cablevision and the Office regarding these allegations, Cablevision submitted an Offer of Settlement concerning the following alleged non-conforming practices:

- A. Staff alleges that Cablevision failed to report to the Office, on a form prescribed by the Director, an outage where service was interrupted for at least two (2) hours and affected more than fifty (50) or more subscribers as required by N.J.A.C. 14:18-6.6(a).

Cablevision submitted its offer of Settlement in the amount of \$1,000.00 in order to resolve all issues concerning the violations alleged by the Office. The \$1,000.00 offered in lieu of any fine which may be imposed under the terms of the New Jersey Cable Television Act, will be paid to the State Treasurer of New Jersey in order to satisfy the alleged non-compliance issues. The Offer represents a reasonable settlement in view of the alleged violation and the operator's past compliance history. In addition to the monetary settlement Cablevision has taken the following remedial action:

1. Cablevision has taken corrective action to ensure compliance with reporting service interruptions and outages to the Office. Cablevision has reissued an internal memo to their staff concerning the Office's guidelines and the company's procedures regarding reporting outages and service interruptions.

2. Cablevision has voluntarily issued an outage credit to affected customers who have requested it, even though the period of outage was less than the six (6) hour requirement enumerated in N.J.A.C. 14:18-3.5(a).
3. Cablevision has represented its intent to provide credits to other similarly situated customers who contact the company and request it.

The Office recommends acceptance of this Offer of Settlement based upon the aforementioned commitments and compliance with the New Jersey Cable Act and the New Jersey Administrative Codes. The Office will monitor the company's future reporting and records of service interruptions and outages as set forth in the New Jersey Administrative Code.

The Board has review the matter and recommendations of the Office, and **HEREBY FINDS** them to be reasonable. Therefore, the Board **HEREBY ACCEPTS** the Offer of Settlement proffered by Cablevision subject to the following provisions, conditions and/or limitations:

1. The \$1,000.00 monetary payment will be accepted by the Board as settlement for the alleged non-conforming practice of Cablevision.
2. Cablevision will tender the \$1,000.00 settlement payment within fifteen (15) days of the date of the Board Order.
3. The Board's acceptance of the Offer of Settlement is for the purposes of this proceeding only and shall not be construed as limiting the Board's authority in any other matter affecting Cablevision.
4. For the purposes of assessing penalties for future offenses by Cablevision, such future offenses shall be considered subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

DATED: March 16, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT. H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

FREDRICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

EDWARD D. BESLOW
ACTING SECRETARY